

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 16 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DAVID MENKEN, a single man,

Plaintiff - Appellant

v.

GERRY F EMM, husband; et al.,

Defendants

and

COLDWELL BANKER/ITILDO, INC.,
a foreign corporation; MARSHA L
TOMERLIN, wife,

Defendants - Appellees

No. 09-16109

D.C. No. 2:04-cv-00598-MHM
U.S. District Court for Arizona,
Phoenix

MANDATE

The judgment of this Court, entered July 02, 2010, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

Molly C. Dwyer
Clerk of Court

Rhonda Roberts
Deputy Clerk